

## REMARKS

### I. INTRODUCTION

In response to the Office Action dated April 30, 2008, claims 1, 2, 4-7, 10, 13-15, 17-20, 25, 27, 28, and 30-32 have been amended. Claims x-y remain in the application. Entry of these amendments, and re-consideration of the application, as amended, is requested.

### II. CLAIM AMENDMENTS

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

### III. DOUBLE PATENTING REJECTIONS

In paragraphs (1)-(2) of the Office Action, claims 1-32 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 of Application No. 10/818,530 ('530) and claims 1-33 of Application No. 10/403,062 ('062).

Applicants acknowledge the double patenting rejection. However, Applicants respectfully traverse the double patenting rejection. As can clearly be seen by the claims in the '530 case and the '062 case, the subject matter of those cases are not even remotely similar to the presently claimed invention as amended above. In this regard, the '063 application has issued as U.S. Patent no. 7,016,011 on 3/21/06 and the issued independent claim 1 provides:

1. Apparatus for processing image data comprising storage means, processing means, manually operable input means and display means, wherein said storage means are configured to store said image data and instructions and said processing means are configured by said instructions to perform the steps of
  - configuring at least one user-operable representation of at least one image data-processing function defined by said instructions with an adjustable opacity, wherein the user-operable representation is created and processed as a three-dimensional object;
  - adjusting said opacity of said representation in response to user input received from said manually operable input means;
  - blending said representation and said image data to generate blended image data; and
  - outputting said blended image data to said display means.

As can be seen, the present claims ability to select a particular node based on a selected image component is not obvious in view of a claim directed towards adjusting opacity and blending a representation.

Further, one independent claim of the '530 case provides:

1. Apparatus for processing image data, comprising storage means, processing means and manual input means, wherein said storage means is configured to store said image data and said image data includes a plurality of components defined by a hierarchy of data processing nodes, and said processing means is configured to process each of said nodes in turn, wherein:
  - said nodes include standard nodes and switch nodes, each switch node having at least two child nodes one of which is the designated child node of said switch node; and
  - said processing means is configured to:
    - process a standard node only when each of its child nodes has been processed, and
    - process a switch node when only its designated child node has been processed.

As can be seen, the present claims ability to select a particular node based on a selected image component is not obvious in view of a claim directed towards standard and switch nodes and processing a standard node only when each of its child nodes has been processed.

In view of the above, Applicants respectfully request withdrawal of the double-patenting rejection.

Nonetheless, Applicants reserve the right to submit a terminal disclaimer at such time as allowable subject matter in the present invention has been identified.

## I. PRIOR ART REJECTIONS

In paragraphs (3) and (4) of the Office Action, claims 1-32 were rejected under 35 U.S.C. §102 as being anticipated by Trinh et al (Trinh), U.S. Publication No. 2002/0051005.

Applicants respectfully traverse these rejections.

Independent claims 1, 14, 27 and 31 (e.g. apparatus, method, system, computerreadable medium, etc), Trinh teaches apparatus for processing image data (par [0009]) comprising processing means (Abstract, lines 1-3; fig. 1, label 103; par [0027], lines 1- 5), input means (fig. I, labels 105, 106; par [0027], lines 9-15 ) and display means (fig. I, label 104; par [0027], line II ), wherein said image data is defined by a plurality of data processing nodes arranged in a hierarchical structure and said processing means is configured to perform the steps of (Abstract): generating a first image frame (fig. 5, label 503; par [0037]) comprising a plurality of components (fig. 7, label 71 I; par [0046], lines 1-3) by means of processing said plurality of data processing nodes (fig. 8, labels 805-808, 810; par [0049]-[0050]; outputting said first image frame to said display means (fig. 1, label 104; par [0027], line II ;fi g. 8, label 827; par [0050], lines 21-22); receiving, via said input means (fig. 1, labels 105, 106; par [0027], lines 9- 15), first user input data indicating one of said plurality of components (fig. 7, label 71 1); in response to said receiving, automatically selecting a first data processing node considered to be appropriate to said indicated component (par [0056] fig. 7, label 71 1; par [0046], lines 1-3) displaying editing tools relevant to said first data processing node (par [0056], lines 6-8; figure 7; par.46); and outputting said second image frame to said display means (fig. I, label 104; par [0027], line II ;fi g. 8, label 827; par [0050], lines 21 -22).

Trinh teaches computer-readable medium comprising a computer program storage device (fig. 2, label 212) storing instructions that when read and executed by a computer, results in the computer performing a method for processing image data (par [0031]).

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As to independent claim 30, The rejection is as the same as the rejection of independent claims 11, 12 and 13 above.

Applicant traverses the 102 based rejections for one or more of the following reasons:

- (1) Trinh does not teach, disclose or suggest selecting a data processing node considered to be appropriate to a selected/indicated image component;
- (2) Trinh does not teach, disclose or suggest performing the selecting of a node in response to a user selecting/indicating a specific image component of an image frame; and
- (3) Trinh does not teach, disclose or suggest displaying editing tools relevant to an identified node.

Independent claims 1, 14, 27, and 31 are generally directed to selecting nodes relevant to a graphical image component. More specifically, as amended, a plurality of processing nodes are used to produce and display a first image frame (of a clip of image frames) wherein a plurality of image components makes up the first image frame. Further, the first image frame is generated by processing the plurality of data processing nodes. The user then indicates/selects a particular image component from the displayed image components. In response to the indicating/selecting, the system automatically selects a particular data processing node that is considered appropriate for the indicated/selected image component. Thereafter, editing tools that are relevant to the particular selected processing node are displayed.

The cited references do not teach nor suggest these various elements of Applicants' independent claims.

In rejecting the selecting and displaying steps, the Office Action relies solely on paragraph [0056] of Trinh which provides as follows:

[0056] The render process 1003 commences with the application of the steps of FIG. 11 to the output node 813. Within the flowchart, the same steps are recursively applied to other nodes in the process tree 800, as necessary. At step 1101 the node receives an output frame requirement in the form of a request for a particular frame. The frame is requested by specifying a frame number, that is relative to the first frame of the output clip. This frame number is supplied to the requirement processing 823 of the selected node. At step 1102 a question is asked as to whether the output buffer 822 is valid for the requested frame number. If the output buffer contents are valid for that frame number, this completes rendering for the selected node.

As can be seen from this text, Trinh provides for receiving an output frame requirement in the form of a request for a particular frame number. If the output buffer is valid for the request frame number, rendering for a selected node is completed. Such a teaching is not even remotely

relevant to the presently claimed limitations for which it is relied upon. Namely, nowhere is there a selection of a component of an image frame. Instead, Trinh specifies a frame number.

In addition, the claim limitation provides that in response to such a selection, a processing node is selected. Instead of teaching such a limitation, Trinh provides for specifying a frame number that is equivalent to an output frame requirement for a particular node. Such a teaching is not a selection for a node based on a selection of an image component of an image frame.

Lastly, the present claims provide for displaying editing tools that are relevant to the data processing node that has been identified. Nowhere in paragraph [0056] or the remainder of Trinh is there any such display of relevant editing tools as claimed.

In view of the above, Applicants submit that there is no possible manner for Trinh to render the present claims as lacking novelty under 35 USC 102. Accordingly, the rejection fails to set forth a prima facie rejection and is in error. In addition, for the reasons stated above, Trinh also fails to render the present claims obvious under 35 USC §103.

In response to the above arguments, the Office Action notes that the previous claimed use of the term “component” was not fully clear and a broad generic definition as used in Trinh could be used to render the claims anticipated. Applicants appreciate the indication as to which aspects of the claims can be amended. In accordance therewith, Applicants have amended the claims.

In addition, Applicants note that the component referred to in Trinh (i.e., in paragraph [0046] relied upon to reject this claim element) is that of transport controls 711 which enable the user to select frames for rendering. Applicants submit that transport controls that allow a user to fast forward and play frames are not even remotely similar to an image component of an image frame. As claimed, the first image frame is of a clip of image frames and is not something that is used to select or play frames. Further, as amended, the plurality of image components makes up the first image frame. Thus, any component of the image frame is part of the image frame itself. Transport controls used to select a frame for rendering does not make up the image frame itself which is part of a clip of image frames. If one attempts to read such controls on the current claims, then the image frame would have to be deemed to include the controls themselves. However, since the amended claims provide that the image frame is of a clip of image frames and the components actually make up the image frame, such an interpretation is impossible.

Applicants further note that the claims explicitly provide that the first image frame is generated by processing a plurality of data processing nodes. The transport controls are not generated by processing data processing nodes arranged in a hierarchical structure as claimed. Instead, the transport controls exist independent of any hierarchical structure and are not generated by such a structure in any way shape or form.

Applicants also note that the dependent claims specify limitations that explicitly provide for and define the different components that are used in the claims. The combination of the dependent claims with the independent claims renders it impossible to read the cited art on the amended claims. For example, dependent claim 2 provides that the first data processing node that defines the image frame and its components is a sub-structure of the hierarchical structure that defines the component. Continuing to rely on the Office Action's interpretation of the transport control as equivalent to the claimed "component", the transport control must have been defined by a substructure of the hierarchical structure that defines the image frame. Such an interpretation is not only nowhere to be found in Trinh, but isn't even remotely contemplated.

Moreover, the various elements of Applicants' claimed invention together provide operational advantages over Trinh. In addition, Applicants' invention solves problems not recognized by Trinh.

Thus, Applicants submit that independent claims 1, 14, 27, and 31 are allowable over Trinh. Further, dependent claims 2-13, 15-26, 28-29, and 32 are submitted to be allowable over Trinh in the same manner, because they are dependent on independent claims 1, 14, 27, and 31, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-13, 15-26, 28-29, and 32 recite additional novel elements not shown by Trinh.

#### IV. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

It is believed that no fees are due at this time. Nonetheless, should any charges be deemed necessary, please charge any such fees, or credit any overpayments, to Deposit Account No. 50-0494 of Gates & Cooper LLP.

Respectfully submitted,

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By their attorneys,

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